

Message Text

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17

ACTION EA-10

INFO OCT-01 ISO-00 PM-03 MC-01 EB-07 DODE-00 CIAE-00

INR-07 NSAE-00 RSC-01 ACDA-05 AID-05 IGA-01 L-02

OMB-01 /044 W

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R 090433Z JAN 75

FM AMEMBASSY SEOUL

TO SECSTATE WASHDC 7795

INFO USDOC WASHDC

CINCPAC

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CINCPAC FOR POLAD

E.O. 11652: N/A

TAGS: BDIS, MASS, KS

SUBJECT: AMMUNITION SALES

REFS: (A) SEOUL 4562; (B) STATE 280490

1. ON JULY 16, 1974, THE DAY FOLLOWING TRANSMITTAL REF A, EMBASSY RECEIVED CABLE DIRECT FROM C.G. DOBRATZ OF AMRON CORP. INDICATING AMRON HAD NO PROBLEM WITH POONGSAN'S SALE OF AMMO. AMRON'S REPLY WAS PASSED BY JUSMAG-K TO ROK MND OFFICIALS LATE JULY 1974. IN PASSING AMRON CABLE JUSMAG-K MADE NO STATEMENT WITH REGARD TO DEPARTMENT'S POSITION OTHER THAN TO SAY DEPARTMENT HAD NOT YET REGISTERED OBJECTION. AMRON CABLE STATED QUOTE AMRON'S AGREEMENT REFLECTING THE SALE OF EQUIPMENT DOES NOT PRECLUDE SALE OF POONGSAN PRODUCED AMMUNITION OUTSIDE OF KOREA UNQUOTE.

2. EMBASSY BELIEVES ROK READING OF COPY AMRON/POONGSAN METAL TECHNICAL ASSISTANCE AGREEMENT (TAA) MENTIONED REF B MAY CONFLICT WITH THAT OF DEPARTMENT ON KEY POINT. REF B PARA 2 COMMENT WHICH BASES DEPARTMENT'S LEGITIMACY

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FOR APPROVAL/DISAPPROVAL OF EXPORT OF AMMO ON TAA ARTICLE

IV L ABLE TO BE QUESTIONED AS ARTICLE I (SUBJECT OF AGREEMENT)
PARA E CLEARLY STATES TAA CONTRACT DOES NOT ADDRESS SUBJECT
OF LICENSING AGREEMENTS OR MANUFACTURING RIGHTS BUT QUOTE
IS TO BE CONSTRUED AS A CONTRACT FOR THE SALE OF MANUFACTURING
EQUIPMENT AND TECHNICAL ASSISTANCE UNQUOTE. ARTICLE IV PARA
L, AS MENTIONED REF B, REQUIRES WRITTEN USG APPROVAL FOR
QUOTE EXPORT, SALE, TRANSFER, OR OTHER DISPOSITION OF THE
LICENSED ARTICLE UNQUOTE. THE QUOTE LICENSED ARTICLE
UNQUOTE, BY DEFINITION OF ARTICLE I AS MENTIONED ABOVE,
COULD BE CONSTRUED TO MEAN THE MANUFACTURING EQUIPMENT AND
NOT THE MANUFACTURED ARTICLE, I.E. THE AMMO. PER REF B PARA
3 DETAIL, ROK, IN EXPORTING AMMO, WOULD NOT BE TRANSFERRING
TECHNICAL DATA PER SE BUT ONLY THE END PRODUCT. WHILE THIS
INTERPRETATION MAY NOT BE CORRECT, WE BELIEVE SUFFICIENT
CONFLICT EXISTS TO CONFUSE ISSUE AND THIS WILL PROBABLY BE
SEIZED UPON BY ROKG IN CHALLENGING USG AUTHORITY BASED ON
TAA TO DISAPPROVE EXPORT OF AMMO.

3. ROK MND OFFICERS UNOFFICIALLY STATE THAT IN SPITE OF
INQUIRIES FROM THAILAND AND OTHER NATIONS NO SALE OF
.30 CAL CARBINE AMMO HAS OCCURRED AND NONE IS CURRENTLY
ANTICIPATED. HOWEVER, SAME OFFICIALS CLAIM THIS IS
IN PART DUE TO FACT THAT NO ROKG REGULATION EXISTS GOVERNING
EXPORT OF MUNITIONS AND EXPORT WILL NOT BE APPROVED UNTIL
PERTINENT REGULATION, WHICH NOW BEING DRAFTED, IS PROMULGATED.

4. DUE POSSIBLE COMPLICATIONS RAISED PARA 2 ABOVE AND IN
LIGHT FACT EMBASSY PREVIOUSLY ASSURED ROKG IN PASSING AMRON
16 JULY 74 CABLE THAT NO KNOWN DEPARTMENT OBJECTION TO
EXPORT OF .30 CAL CARBINE AMMO EXISTED AT THAT TIME WE HAVE
NOT NOTIFIED ROKG OF RECENT REF B DISAPPROVAL DECISION ON
PART OF DEPARTMENT.

5. EMBASSY WITHHOLDING ACTION UNTIL FURTHER ADVISED.
SNEIDER

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Message Attributes

Automatic Decaptioning: X
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Margaret P. Grafeld
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05 JUL 2006

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